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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 24 February 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I regret to note that the representative of Azerbaijan has once again taken up an initiative of circulating misleading and deceptive information related to the tragic events of 1992 in the settlement of Khojaly. This delegation has on numerous occasions reacted with anti-Armenian propaganda and falsifications on behalf of Azerbaijani authorities relating to those events.

It would be most relevant to recall the appeal of the international community, not least the European Court of Human Rights and numerous human rights organizations, to release the Azerbaijani journalists and human rights activists who had questioned the version of the Government of Azerbaijan on the Khojaly events.

Armenia reiterates its position, according to which progress in the negotiations for the peaceful settlement of the Nagorno Karabakh issue depends, inter alia, on the establishment of tolerance and restraint from hate propaganda. The Azeri initiative does not bode well for such objectives.

I request that the present letter and the attached statement of the Foreign Ministry of the Nagorno Karabakh Republic (see annex), in response to the letter of the representative of Azerbaijan, be circulated as an official document of the General Assembly, under agenda items 35 and 39, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

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Annex to the letter dated 24 February 2012 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

22 February 2012

Statement of the Ministry of Foreign Affairs of the Nagorno Karabakh Republic

As the anniversary of the incident in Khojaly draws near, Azerbaijan is yet again immersed in its anti-Armenian smear campaign in relation to the 1992 events in the settlement of Khojaly. Khojaly is a village on the territory of the Nagorno Karabakh Republic (NKR), in close proximity to Stepanakert Airport, which was intensively and artificially populated by the Azeri Government, particularly with the Meskhetian Turk minority from the Fergana valley of Uzbekistan, in order to boost its non-Armenian population and give the village the status of a town. The Azeri propaganda machine is again busy promoting false accusations and falsified facts to the broad international community and its own citizens with slanderous statements directed at Armenia and NKR, while continuing to fuel hatred for Armenians.

On 25 and 26 February 1992, the authorities of the Nagorno Karabakh Republic organized a military operation to lift the blockade of the strategically vital airport near the settlement of Khojaly. The operation was also intended to neutralize Azeri military strategic locations rooted inside the settlement of Khojaly. It is from this location that the Azerbaijani OMON (special-purpose militia detachments) had periodically attacked nearby Armenian settlements by utilizing the Alazan, Crystal and Grad rocket systems for nearly a year, since the spring of 1991. During this time, dozens of Armenian civilians were killed and hundreds more wounded and/or kidnapped. The area's agricultural industry was wiped out completely by dispersing and killing thousands of cattle from nearby collective and private farms.

Owing to the lasting blockade, the situation was rapidly worsening in NKR. The local authorities were faced with a growing number of refugees from regional villages, coupled with the closure of most food-producing enterprises owing to the Azeri military blockade of all regional roads leading in and out of NKR. The situation was especially dire in Stepanakert (the capital of NKR), where food, medicine and fuel reserves were exhausted. Under such circumstances, the NKR authorities decided that lifting the airport blockade was an extremely important step to ensure the actual survival of the Republic and its civilians.

Aside from lifting the blockade of the airport, NKR authorities needed to neutralize the military base in Khojaly housing both the Azeri Special Forces OMON and the Azerbaijani Popular Front (APF) paramilitary forces. These military groups concentrated large quantities of manpower as well as strategic heavy offence weaponry deployed for an assault on the nearby cities of Askeran and Stepanakert. It is because of these indicators that a military operation on Khojaly was of increasing importance.

The military operation to lift the blockade of the airport commenced on 25 February 1992 at 11:30 p.m. and ended on 26 February at 3 a.m. Knowing that there were civilians within the village, NKR self-defence forces decided to open two corridors for safe civilian passage out of the settlement and informed the

Azerbaijani side. One corridor extended from the eastern outskirts of Khojaly towards the north-east, along the Karkar riverbed, while the second corridor was opened on the northern outskirts of the settlement towards the north-east of Khojaly. However, the Azerbaijani authorities chose to ignore that goodwill gesture and did nothing to lead the civilian population out of harm's way.

As a result of the military operation in Khojaly, NKR self-defence forces were able to rescue 13 Armenian hostages, including one child and six women, and confiscated two Grad MM-21 volley fire rocket installations, four Alazan units, one 100 millimetre howitzer and three units of armoured equipment. The NKR Artsakh Rescue Service also discovered 11 bodies of civilians from Khojaly and its outskirts. However, the video footage of killed civilians, which has been widely circulated by means of the Azeri propaganda, was taken later in an area 3 kilometres (2 miles) outside Askeran and 11 kilometres (7 miles) away from Khojaly. It is important to underline that this particular footage is aimed at spreading false accusations of alleged Armenian war crimes, while the footage itself was shot in an area where NKR forces entered only in the summer of 1993, over a year after the Khojaly offensive.

The NKR authorities had informed their Azeri counterparts about the intended military operation to neutralize the Azeri military positions within Khojaly two months prior to its commencement. This act of warning was repeatedly confirmed by Azeri officials; one such official was the former President of Azerbaijan Ayaz Mutalibov. However, as the row of civilians from Khojaly approached the Aghdam region, they were met with heavy artillery bombardment from the Azeri military. This was later confirmed by the former Azeri President Mutalibov, who interpreted this act of mutiny as an attempt to overthrow him from his post by falsely blaming him for carrying out such an order. It is important to note that at the time of the Khojaly operation, Azerbaijan was going through political turbulence in which factions were aligned against then-President Ayaz Mutalibov.

An Azerbaijani cameraman, Chingiz Mustafayev, was given access to the area where exchange of the bodies of the deceased was conducted. He made two recordings to document the bodies of the deceased, with a two-day intermission between the recordings. Upon his second recording, Mr. Mustafayev noticed that the civilian bodies were disfigured.

On a separate occasion on 2 March 1992, during an investigative flight over the area where the mass killing had occurred, journalists noticed that the position of the bodies of the deceased had been radically altered and that the number of injuries caused to the bodies had drastically changed. Given the fact that this was on the territory fully controlled by Azeri forces until the summer of 1993, it is fair to state that it was impossible for the NKR self-defence forces to have done this. Unfortunately, Azerbaijan continuously omits this important detail, which underlines that it was not possible for this particular killing to have been committed by the Armenian military forces. It is equally understood that the bodies were rearranged in such a way as to be able to then place the blame on the Armenian forces.

This fact was so shocking to Mr. Mustafayev that he shared it with President Mutalibov, who himself understood the severity of the situation. President Mutalibov even warned Mr. Mustafayev that if he shared this information with anyone he would be in great danger. Mr. Mustafayev was hesitant to believe the

Azeri stance on the incident as Armenian war crimes and started his own investigation. He informed the DR-Press Information Agency in Moscow of his conviction that the incident had not been committed by Armenians, but in fact may very well have been committed by Azeri militia members. After his statements had been received, Mr. Mustafayev was killed in unclear circumstances not far from the city of Aghdam.

Czech journalist Dana Mazalova, at the request of Azerbaijani authorities, was included in both groups of foreign mass media representatives who were flown out via helicopter to survey the incident in order to show the so-called Armenian atrocity by displaying the disfigured bodies scattered over the area. Having visited the place immediately after the events, Mazalova did not recall seeing any traces of disfigurement on the bodies on her earlier visit. However, this time, only two days later, the journalists were shown the disfigured bodies ready for filming. She noticed a considerable difference in the condition of the bodies only a few days after her initial visit, which can only point to crime scene tampering.

In the wake of the military operation, certain incidents still cast a shadow on the actual occurrence, and it is this lack of information that Baku constantly refers to in order to paint the scenario as a war crime. However, the key element in this incident is constantly overlooked in the rhetoric of the Azeri officials: the fact that, in an unfortunate time of military operations, the Azeri military ignored a clear warning and thus subjected its own people to harm. Furthermore, in the wake of such a tragedy Baku officials seem to repeatedly ignore the facts, which indicate malicious conduct and obvious war crimes against their own citizens. But the most important aspect of this incident is the fact that for the past 20 years, the Azerbaijani Administration has made Khojaly the cornerstone of its domestic and foreign policy by derailing the truth as to what exactly occurred in the wake of the Khojaly military operation. Even when numerous high-ranking Azeri officials, foreign human rights activists, journalists and, especially, former inhabitants of Khojaly refute Baku's stance on the incident, Azeri authorities remain steadfast in their denial of truth and continue pursuing this dangerous, slanderous rhetoric.

While the authorities in Baku are busy falsifying information in order to make their propaganda machine even stronger, there is an abundance of statements and testimonies which in fact point to the Khojaly incident not as an Armenian war crime, but rather as a twisted self-inflicted Azeri atrocity. An Azeri human rights activist wrote, "The town and its citizens were deliberately sacrificed for a political goal" (Azerbaijani newspaper *Zerkalo*, July 1992). Another testimony by the former Chair of the Supreme Soviet of the Republic of Azerbaijan stated, "The tragedy was committed by Azerbaijani authorities, specifically by a top-level official" (Azerbaijani newspaper *Mukhalifat*, 28 April 1992). Even former President Heydar Aliyev admitted that "the former leadership of Azerbaijan is also guilty" in reference to the Khojaly events, according to the Bilik-Dunyasi news agency. In April 1992, President Aliyev followed up with a shocking statement: "The bloodshed will profit us. We should not interfere with the course of events."

As the nationalist movement of the Popular Front came to power, ousted former Minister of National Security Vagif Huseynov stated, "The January events of 1990 in Baku and the events in Khojaly are the doings of the same people." He was hinting about the leadership of the newly elected Popular Front. Needless to say, he was soon arrested and sentenced.

The above-mentioned facts testify unequivocally to the fact that the Azerbaijani authorities are guilty of the civilian deaths in Khojaly and are responsible for committing a monstrous crime against their own people for political gain in a game of power struggle.

It is equally important to underline that Azerbaijan has been leading a campaign of falsifying facts in reference to the incident at Khojaly. One such falsification is the skewing of the actual number of victims. Only a few days after NKR forces had neutralized the military stronghold at Khojaly, Azeri officials stated that the total casualty count was estimated at around 100 civilians. Within a week, this number had jumped to 1,234, according to a parliamentary commission. The number was then adjusted to 450, while President Heydar Aliyev stated that the alleged "Azerbaijani genocide" had claimed thousands of civilian lives. In reality, at the start of the military operation official records put the population of Khojaly at barely 2,500 inhabitants. The majority were registered in Khojaly only to elevate its status from that of village to that of a town and were not actually present at the time of the military operation. Another large portion of the population fled the village at the start of the conflict in Nagorno Karabakh prior to the military campaign.

In early March 1992, Azerbaijani journalists Ilya Balakhanov and Vugar Khalilov brought footage of the crime scene to the office of the Memorial Human Rights Centre; in this footage were images of the civilian bodies documented by Baku television reporters and shot from a military helicopter. All attendants have reported that while the footage was being viewed, it was confirmed that the actual body count did not exceed 60.

To further prove the Azeri falsification campaign, NKR Foreign Ministry officials leaked onto the Web a falsified photo of what seemed to be the Khojaly casualties. This photo immediately gained popularity among Azeri websites and was even posted on the website of the Heydar Aliyev Foundation. The photo was placed on numerous websites as evidence of Khojaly massacres, when in fact NKR officials knew that the photograph actually depicted the unfortunate incidents in Kosovo, over a thousand miles away from Khojaly. It is worth mentioning that the Azeri Government constantly uses images from the Kurdish pogroms by the Turkish military as false evidence of the Khojaly incidents. The goal of this smear campaign is to captivate an otherwise uninformed audience in order to paint the NKR administration as aggressors and criminals, when in fact it is the Azeri authorities who are engaged in crimes of lies and murder.

One month after his resignation, ousted President Mutalibov gave an interview to the Czech journalist Dana Mazalova, which was published in *Nezavisimaya Gazeta*. Speaking about Khojaly, Mutalibov stated, "According to the Khojaly inhabitants who were able to escape, the incidents were orchestrated to oust my presidency. Political candidates (alluding to the Popular Front) orchestrated this incident in order to pin it on my presidency and eventually oust me. I do not think that Armenians are responsible for this crime; after all, they have acted professionally in numerous other cases where they easily had the chance to commit an act of war crime. The general reasoning is that a corridor for civilian passage was opened by the Armenian military. Why, then, should they fire at civilians, especially in an area near Aghdam where significant Azeri forces were available for civilian assistance?"

About 10 years later, Azerbaijani former President Mutalibov again confirmed his own idea in an interview with *Novoye Vremya* magazine: "The massacre of the Khojaly inhabitants was obviously organized by somebody in order to stir up the power struggle in Baku to dismiss my presidency."

In February 2005, Azerbaijani journalist Eynulla Fatullayev from the independent magazine *Monitor* spent 10 days in NKR, describing his visit in his writings and interviews. He also dared to challenge the truthfulness of Baku's official version of the death of some Khojaly inhabitants: "Once, 10 years ago, I met with the Khojaly refugees temporarily living in Naftalan (a city near Baku), who frankly told me ... that a few days before the attack, the Armenians, with the help of loudspeakers, kept warning the population of the scheduled operation, suggesting to the civilians that they leave the settlement and break out of the encirclement via a humanitarian corridor, along the Karkar River. According to the same Khojaly civilians, they took advantage of this corridor and the Armenian soldiers on the other side of the corridor did not fire on them ... Getting acquainted with the geographical area, I can confidently say that the assertions by Baku regarding the lack of an Armenian corridor have no grounds. The corridor really existed; otherwise, the Khojaly people, fully encircled and isolated from the outer world, could not have been able to escape the encirclement. Having passed through the area by the Karkar River, the refugees divided into groups, and, for some reason, some of them made their way to Nakhijevanik."

A few days after the publication of Eynulla Fatullayev's first report from Karabakh in *Monitor* magazine, the magazine's editor, Elmar Huseynov, was murdered by a stranger on 2 March 2005, in the entrance to his house in Baku. And Eynulla Fatullayev was convicted of a series of accusations, including high treason, for his report on Khojaly.

Former Azeri Minister of Defence Ragim Gaziyev has also confirmed that the Khojaly incident was a political trap for President Mutalibov. He states, "A trap was prepared for Mutalibov in Khojaly." This way, the organizers of the massacres in Khojaly could achieve two goals at once — oust Mutalibov, who had become less popular after the fall of the Soviet Union, and paint the Armenian forces as aggressors and perpetrators of war crimes. Meanwhile, the fact that Azeri forces were constantly shelling the populated city of Stepanakert, full of innocent civilians, was completely ignored by Azeri authorities.

A Khojaly woman said, in an interview with Helsinki Watch on 28 April 1992, "The Armenians delivered an ultimatum ... that it was better for the Khojaly inhabitants to leave the town with a white flag. Alif Gajiyev (leader of the Khojaly defence) informed us about it on 15 February (10 days before the attack), but this didn't frighten either me or the rest of our citizens. We did not believe at all that they would be able to capture Khojaly." Following these warnings, the majority of the civil population of Khojaly, having been informed of the planned operation, moved to a safe place prior to the incident. This mass migration away from Khojaly was widely covered by Azerbaijani television and radio. While covering the evacuation, the Azerbaijani mass media fuelled a negative attitude towards those leaving Khojaly and constantly harassed them. We should note that Khojaly, which had been turned into a town, was first vacated by the recent immigrants who had been artificially moved there, mainly Meskhetian Turks from Uzbekistan. Moreover, the municipal administration of Khojaly, which had been warned by the Armenian

party, asked for assistance from Azeri military personnel in the evacuation of the population, but these requests went unanswered. The Khojaly Mayor noted, in an interview with the Moscow newspaper *Megapolis Express*, "After getting the news on the expected operation on the capture of the town, I asked Aghdam to send helicopters for evacuation of the elderly, women and children. We were assured that a rescue operation was being prepared. But no assistance was provided." A board member of the Aghdam branch of the Azerbaijani Popular Front, R. Gajiyev, stated, "We could help the Khojaly people, having the corresponding forces and abilities, but the Baku authorities wanted to demonstrate to the people that they had no forces, in hopes of calling upon the army of the Commonwealth of Independent States for help."

As the facts clearly demonstrate, Khojaly inhabitants were merely abandoned. What these citizens did not know was that they were destined to become victims of an ugly power struggle.

At the start of the military operation, part of the civil population of Khojaly had left the settlement, and by late February 1992, according to independent sources, between 1,000 and 2,500 people had stayed behind, the majority of whom were soldiers of the Azerbaijani armed forces. Investigating the destruction in Khojaly, observers from the Memorial Human Rights Centre confirmed that in fact artillery shelling, and not urban street battles, had taken place. In a current accusation, Baku officials state that upon entering the town, Armenian forces took part in war crimes, when in fact most of the casualties resulted from shelling of the town. The NKR self-defence forces were modelled after national defence forces of modern nations, and with this in mind the regiments of the Karabakh military followed strict orders. Under this command it was clearly enforced that harming the innocent civilian population was illegal and punishable to the full extent of the law.

After the NKR military had entered the town, all civilians left in Khojaly were moved to Stepanakert, and a few days later, according to their will and without any preconditions, they were handed over to the Azerbaijani authorities. After a thorough investigation, the fact of the voluntary handover of the Khojaly citizens to Azerbaijan was confirmed in a report of the Memorial Human Rights Centre association in Moscow and attested to in a documentary film by a Saint Petersburg journalist, Svetlana Kulchitskaya.

It is noted, in the report of the Memorial Human Rights Centre, that a State forensic medical examination of 181 bodies (130 males and 51 females, including 13 children) was conducted in Aghdam, where all the refugees had come. The experts' conclusions state that 151 deaths were caused by bullet wounds, 20 by missile explosions and 10 by blows with a blunt object. The NKR authorities informed the observers that they had handed over to Aghdam about 130 bodies (all those killed in Khojaly and near Nakhijevanik), 96 of which were buried in Aghdam; the bodies of the rest were taken by their relatives.

A comparison of the information provided by different sources, including the Azerbaijani ones, convincingly demonstrates that the NKR self-defence forces did not plan, and especially did not carry out any acts of massacre against the civilians in the settlement of Khojaly.

It should also be noted that on 26 February, 47 Armenians were taken hostage in Khojaly, but only 13 were left there after the operation (including 6 women and a

child); the rest of the 34 hostages were taken by the Azeris in an unknown direction, and we have no information confirming their whereabouts in Azerbaijani prisons.

Summarizing the above, we can state that the inhabitants of Khojaly became hostages of unfair political games of the Baku authorities, who later turned this tragedy into a political manipulation. Authorities in Baku try to portray the Azerbaijani authorities' betrayal of Khojaly inhabitants as Armenia's revenge for the bloody pogroms in Sumgait. The entire propaganda is realized with expressive insinuations and aggravation of intolerance and hatred towards Armenians. By regularly raising the issue of Khojaly, Baku authorities are trying to draw the attention of the international community away from the massacres of Armenian civilians in Sumgait, Baku, Kirovabad, Khanlar and other settlements of Azerbaijan, where the widespread extermination of local Armenians has actually taken place. Such pogroms have also taken place in the borderline settlements of NKR, in particular Maragha village, where, in April 1992, the invading sub-units of the Azerbaijani regular army killed around 100 civilians.

Unfortunately, crimes committed by Azerbaijan are not given enough corresponding attention by the international community.